

# Holland & Knight

1180 West Peachtree Street, Suite 1800 | Atlanta, GA 30309 | T 404.817.8500 | F 404.881.0470  
Holland & Knight LLP | [www.hklaw.com](http://www.hklaw.com)

Todd D. Wozniak  
+1 404-817-8431  
Todd.Wozniak@hklaw.com

November 5, 2021

*VIA ECF*

Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square, Courtroom 1105  
New York, New York 10007

Re: *Allied Industries Pension Fund, et al. v. BWAY Corporation*  
Docket No. 1:21-cv-06206-JMF  
**Letter Requesting Stay Pending Outcome of Audit**

Dear Judge Furman:

We write on behalf of Defendant BWAY Corporation (“BWAY”) in the above-captioned case in accordance with Your Honor’s Individual Rules and Practices in Civil Cases, Paragraphs 1(A) and 3(A).

On July 21, 2021, Plaintiffs filed a complaint against BWAY under the Employee Retirement Income Security Act (“ERISA”) and the Labor Management Relations Act (“LMRA”) to obtain and audit BWAY’s books and records concerning contributions and various other sums allegedly owed by BWAY to employee benefit plans. [ECF No. 1.] The Parties are continuing to actively engage in discussions to resolve the alleged issues identified in Plaintiffs’ Complaint which may result in a settlement of this case.

At this time, the Parties are conducting an audit of BWAY’s books and records, as sought in Plaintiffs’ Complaint. Accordingly, BWAY moves this Court for an order staying this civil matter and all discovery during the pendency of the Parties’ audit, and for such further relief as this Court deems just and equitable.

BWAY has conferred with Plaintiffs regarding its request, and Plaintiffs have indicated that they do not oppose the stay for the first thirty (30) days provided that the parties submit a status report with the Court at the conclusion of the thirty (30) day stay of this civil matter and all discovery. BWAY has no objection to submitting a status report to the Court after the first thirty (30) days, if the Court so desires, but believes that the stay should remain in place until the audit is complete or either party petitions the Court to lift the stay.

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Thank You for Your consideration.

Sincerely yours,

HOLLAND & KNIGHT LLP



Todd D. Wozniak

cc: All Counsel via ECF

Application GRANTED in part. It is hereby ORDERED that all dates and deadlines in this case are stayed for thirty (30) days. It is further ORDERED that the parties shall submit a joint status report to the Court no later than **December 8, 2021**. The initial pretrial conference currently scheduled for November 18, 2021, is hereby ADJOURNED to **December 21, 2021, at 3:00 p.m.** The Clerk of Court is directed to terminate ECF No. 20.

SO ORDERED.



November 8, 2021